A Letter from a Freeholder, *to the reſt of the* Freeholders of ENGLAND, *and all Others, who have Votes in the Choice of* Parliament-Men.

THE Power of *Parliaments*, when they are duly Elected, and rightly Convened, is ſo very Great, that every man, who has any ſhare in the Choice of them, has the weight of his whole Country lying upon him: For it is poſſible for my ſingle Vote to determine the Election of that Parliament-Man, whoſe ſingle Vote in the Parliament-Houſe, may either ſave or ſink the Nation. And therefore it behoves men, who thus diſpoſe both of themſelves and their Poſterity, and of their whole Country at once, to ſee that they put all theſe into ſafe hands, and to be as well advis'd, as much in earneſt, when they chuſe Perſons to ſerve in *Parliament*, as they uſually are when they make their laſt Will and Teſtament. And if this is to be done at all times, certainly a much greater proportion of Care is to be taken at this Time, when endeavours have been uſed, not only to foreſtal the Freedom of Elections, but even the Freedom of Voting in the Parliament-Houſe: and when the Counties of *England* have been practiſed upon, to be made Repealers, both within doors and without: They have been Catechiſed, whether, if they were Parliament-Men, they would Repeal the *Penal Laws* and *Teſts*; or, if they were not Choſen themſelves, whether they would Chuſe ſuch as would. And as for the Boroughs, they have been all of them Sifted to the very Bran: nay, ſome Perſons have been wrought upon to enter into Engagements before-hand, in their *Addreſſes*: But, I ſuppoſe, thoſe that have been ſo very forward to promiſe themſelves to ſerve a Turn, will never be thought worthy to ſerve in *Parliament*. And at the ſame time others have made it their buſineſs, to render theſe *Laws* very odious to the People, and to hoot them out of the World; they have been Arraign'd and Condemn'd as *Draconicks*, as *Bloudy and Canibal Laws*, as *Ungodly Laws*, and contrary to the Divine Principle of *Liberty of* CONSCIENCE, without the common Juſtice of ever being Heard: For the Preambles of theſe *Laws*, which ſhew the Juſtice and Equity of them, and the reaſonableneſs both of their Birth and Continuance, have been induſtriouſly ſuppreſſed. This indeed has been a very bold Adventure, for I am apt to think there is much truth in my Lord Chief Juſtice *Coke*'s Obſervation, *That never any Subject Wreſtled a Fall with the Laws of* England, *but they always broke his Neck*: And therefore, according to the Courteſie of *England*, I ſhall wiſh Friend *William Pen*, and his Fellow-Gameſters, a good Deliverance. But while they have taken the liberty

to say their Pleasure of these *Laws*, which are now in as full Force as the day they were made, I shall take leave, according to the Duty of a Loyal Subject, (with whom the *Laws* of the Land are a Principle, and who must always own the Majesty and Authority of them, till such time as they are lawfully Repealed) to offer a few words in their behalf, which shall be dictated by nothing but Law, Truth, and Justice; and if every word that I say, do not appear to be such, I am content to have this whole Paper go for nothing, and be as if it had never been written.

And to proceed the more clearly and distinctly, I shall (1st) consider the *Penal Laws* (as they are called) against the Papists, and the two *Tests*: And (2dly) the *Penal Laws* against the Dissenters.

In the Statute 3° *Jacobi* c. 1. which is read every Fifth of *November*, in our Churches, the *Laws* made against the Papists in Queen *Elizabeth*'s time, and the Confirmation of them 1° *Jacobi* (against which the great Out-cry is now made, and for the sake of which, they then attempted to blow up both the *King* and *Parliament*) are called *Necessary and Religious Laws*: And if I prove them to be undoubtedly such, I hope the good People of *England* will look upon them an hundred times, before they part with them once.

First, The *Laws* against the Papists are *Religious Laws*; they are *Laws* made for the high Honour of GOD, as well as for the common Profit of the Realm, which is the old Title of all our *Laws*, and is the right End to which all *Laws* ought to be directed. But why are they called *Penal Laws*, for have not all *Laws* a Penalty annexed to them? Perhaps they mean, that these are *Laws* which interpose in Matters indifferent, such as is the eating of Flesh on *Fridays*. But is not Popery *Malum in se*? Is Idolatry an Evil only by chance, and by happening to be prohibited? Is not the Worship of a Wafer God, an Onion God, or a Red-cloth God, an unspeakable Dishonour to the GOD of Heaven, in all places, in every season of the Year, every day of the Week, and all hours of the Day? Is it not eternally Evil? The *Laws* of the Land found Idolatry prohibited to their hands, by the written Law of GOD, and even antecedently to that, it was prohibited by the Law of Nature; and no Municipal *Laws* in the World need desire a better Warrant: And therefore to Repeal the *Laws* made against the *Idol of the Mass*, *Agnus Dei's*, *Blocks Almighty*, and the infinite Idolatry which is interwoven with Popery, is neither more nor less, than to undertake to Repeal the Laws of GOD.

2dly, The *Laws* made against the Seminary Priests and Romish Missioners, are *Religious Laws*, because they are made in pursuance of St. *John*'s Precept, 2 Epist. 10. 11. *If there come any unto you, and bring not this doctrine, receive him not into your house, neither bid him God-speed: For he that biddeth him God-speed, is partaker of his evil deeds.* But do the Seminaries

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come and bring us the true Doctrine of Christ? Do they not bring us another Gospel? As Dr. *Sherlock* has Unanswerably proved upon them, in the Second Part of his *Preservative against POPERY*. And therefore as every private man is bound to shut his Doors against these Deceivers and Seducers, by the same reason every Community is bound to expel and drive them out of the Nation. And I think there never were such errant Cheats and Impostors as these are: for they, by their Masses, can fetch Souls out of Purgatory, of their own putting in; they can forgive Sins, in the Sacrament of Confession; they can drive away the Devil, with Crosses and Holy Water; and they can make their God, in the Sacrament. They make a God! they make a Pudding!

Again, 2ly, The *Laws* against the Papists, are called *Necessary Laws*, and so they were to the very Being of the Kingdom. In the first of *Elizabeth*, the Oath of Supremacy was absolutely necessary to throw off the Romish Yoke, and that intollerable Usurpation and Tyranny of the Pope, under which both the Crown and Kingdom were perfect Slaves: And afterwards, was it not time to look after the Pope's Chaplains, when they had raised a Rebellion in the *North*, and he himself had sent a Bull to Depose the Queen, and to Absolve her Subjects from their Allegiance? I do not mention the continual Minings of the Queen of *Scots*, in which the Popish Party always joyned with her, and besides, had drawn in several deluded Protestants; which made a great Jest to the Papists, That Protestants should be so infatuated, as to assist the Queen of *Scots* to their own Destruction: as is to be seen in Sir *Francis Walsingham*'s Letter, written from *Paris*, still extant in the *Cabala of Letters*. In short, it appears by the Preambles of all those Statutes in that Reign, that the Kingdom made every one of them in their own Defence, and to Preserve themselves from Popish Attempts, and that the Nation had utterly perished without them.

And then in Kings *James*'s time, Did not the Papists **Digg** under the very Pillars of the Kingdom, and make them **shake**, when they laid so many **Barrels of Gunpowder** under the Parliament-House? And was it not high time to tye their hands by the Acts which followed; by more closely confining them to their Houses, by banishing them ten Miles from *London*, by disabling them not only from all Offices, but from being in any publick Employment, and by thorowly disarming them, so much as from wearing a Sword.

And was it not time, in the late King's Reign, to put new life into the Disabling Acts, by the addition of a *Test*, when several Papists had gotten the greatest Offices of the Kingdom into their hands? And then as for the *Parliament-Test*, that the Papists may not be our Law-givers, besides the perpetual Necessity of such a *Law*, the Occasion of it is still upon Record both in Mens Minds, and very largely in the *Journal* of the House of Lords, and in other inferiour Courts of Record.

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And if these were all of them *Necessary Laws* when they were made, they are become ten times more *Necessary* since: for now Popery has Beset us, and and Hemmed us in on every side. We have an Army of Priests and Jesuites, the true Fore-runners of **Antichrist**, in the Bowels of the Kingdom; nay, the Pope himself, who by several *Laws* is declared to be the publick Enemy of the Kingdom, has arrived some time since in his *Nuncio*, and is now Compassing the Land in his **Four Apostolick Vicars**. And therefore to talk of Repealing *Laws*, when we want the strictest Execution of them, is talk only fit for *Bedlam*: and that Nation which Repeals *Necessary Laws*, when it has the greatest *Necessity* for them, must be concluded to be weary of its own Life, and is *Felo de se*.

Secondly, I come now to the *Penal Laws* against the Dissenters, concerning which, I shall say the less, because GOD's time for the Repealing of those *Laws* is not yet come; For if they cannot be Repealed in this juncture of time, unless the Dissenters put forth their hands to the setting up of **Idolatry**, then they cannot be Repealed: and therefore what cannot be now done without manifest Impiety, must even be let alone till it can be done with a good Conscience. As for the good Disposition which is in the Conformists, to Repeal those *Laws*, with the first Opportunity, that is always to be measured by Actions rather than Words, and therefore I shall give them an Instance of it in the Bill for Repealing the 25th of *Elizabeth*, which passed both Houses, of *a Church of England Parliament*, thô the Dissenters lost the Benefit of that Pledge, and Earnest of their Good will, and are not Ignorant which way it was lost. But in the mean time, if our Dissenting Brethren should endeavour to get these *Laws* Repealed, by parting on their side with the *Laws* against Popery, then I begg of them to minde the plain *English* of such Conditions. It is as if the Dissenters should say *thus* to the Papist: Do you help us to set up *Meeting-Houses*, and we will do as much for your *Mass-Houses*: let but the pure Worship of GOD be established without Ceremonies, and we are content, that Idolatry itself shall go share and share like, in the same Establishment: to make a *Magna Charta* which shall be equal, let CHRIST have his part in it, and **Antichrist** shall be sure to have his: our business is to receive the Sacrament without Kneeling; and upon that Condition, we will joyn in the making of *Laws*, which shall Authorize the Deifying a bit of Bread, the Worshipping of it for a God, the Praying to it, Idolatry, Blasphemy, any thing in the World for them that like it.

Now is not this a very fair Speech, and does it not well become the mouths of Protestants! I would fain press this home upon the Consciences, both of those Dissenters who are hired, and of those who are not hired, to labour the Repeal of our *Laws*: Do you fear the Informers more than GOD? Will you, for the sake of your little Conveniencies, do the greatest Evils, which you know to be such? You know in your very Hearts, that the Worship of Images, Crosses, and of a Wafer, is abominable Idolatry; that

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the half Communion is Sacriledge; and that many other Points of **Popery** are **Blaſphemous Fables**: And will you ſet up **this** for one of your Religions, as by *Law* eſtabliſhed? Will you do all that hands can do, to entail **Idolatry** upon the Nation, not only *Removendo prohibens*, as Divines diſtinguiſh, by pulling down the *Laws* which hinder it, but alſo *Promovendo adjuvans*, and by making a perpetual *Magna Charta* for it? The *Laws* and Conſtitution of a Country do denominate that Country; if **Atheiſm** were here Authorized by *Law*, this would be an Atheiſtical Nation; and if **Idolatry** be ſet up by *Law*, it is an Idolatrous Nation; and all that have any hand in it, make it the Sin of the Nation, as well as their own. Think therefore of theſe things in time, before you have involved both yourſelves and your Country in a miſerable Eſtate; and remember poor *Francis Spira* who went againſt *Light*.

But, 2ly, there is juſt as much Prudence as Conſcience in theſe Proceedings; For by Repealing the *Laws* againſt **Popery**, you Reverſe the Outlawry, and take off thoſe legal Diſabilities which the Papiſts now lie under, and which have hitherto tied their hands from Deſtroying Hereticks. When Papiſts ſhall be Right Juſtices and Sheriffs, and not Counterfeits, when they ſhall be *Probi & legales homines*, and paſs Muſter in *Law*, when they ſhall be both our Legal Judges and our Lawful Juries, and when Proteſtants come to be Tryed by their Country, that is to ſay, by their **Twelve Popiſh Godfathers**, they may eaſily know what ſort of Bleſſing they are to expect. The Papiſts want nothing but theſe Advantages, to make a fair riddance of all Proteſtants; for we ſee by ſeveral of their late Pamphlets, that if any thing be ſaid againſt Popery, they have a great dexterity in laying it Treaſon. Now this is a civil way of Anſwering Arguments, for which we are bound to thank them, becauſe it ſo plainly diſcovers what they would be at, if it were in their Power. But how comes it to be Treaſon to ſpeak againſt a Religion which is itſelf High Treaſon, and is Proſcribed by ſo many *Laws*? Why, their Medium is this, That Popery is the King's Religion, and therefore, by an *Innuendo*, what is ſaid againſt that, is meant againſt him. But is there any *Law* of *England*, that Popery ſhall be the King's Religion? Or is it Declared by any *Law*, that Popery either is, or can be his Religion? On the other hand, we are enabled by an Act in this very Reign, to Pronounce Popery to be a Falſe Religion, and to Aſſert the Religion which is now Profeſſed in the *Church of England*, and Eſtabliſhed by the *Laws* of this Realm, to be the *True Chriſtian Religion*. Act for Building St. *Anne*'s Church, *p.*133. But theſe Gentlemen it ſeems are for Hanging men without *Law*, or againſt *Law*, or any how; and therefore we thank them again, for being thus plain with us before-hand. Now if they be thus Inſolent, when they are ſo very Obnoxious themſelves, and have Halters about their own Necks, with what a Rod of Iron will they Rule us, when they are our *Maſters!* What havock will they then make of the Nation, when we already ſee *Magdalen-Colledge*, which was lately *a Flouriſhing Society of Proteſtants*, now made **a Den of Jeſuites**; and that done

too in such a way, as shakes all the *PROPERTY* in *England?* Or who can be safe, after our *Laws* are Repealed, when Endeavours have been lately used, to extract Sedition even out of Prayers and Tears, and the *Bishops Humble Petition* was threatned to be made a *Treasonable Libel?*

But here the Dissenters have a plausible Excuse for themselves: For say they, We have now an opportunity of getting the *Laws* which are against us Repealed, which is clear Gain; and as for our refusing to Repeal the *Laws* against Popery, there is nothing gotten by that, either to us or to any body else; for they are already as good as Repealed by the **Dispensing Power**: and therefore such Discourse as this, only advises us to stand in our own light, without doing any good to the Nation at all; for there will be Popish Justices, Sheriffs, Judges, and Juries, whether we will or no, for whatsoever we refuse to do, the **Dispensing Power** will supply.

To which I Answer, Do you keep your hands off from Repealing the *Laws*, let who will Contravene or Transgress them, for then you are free from the Bloud of all Men; you have no share in the Guilt of those Mischiefs which befal your Country, which would, sooner or later, be a heavy Burden, and a dead Weight upon the Conscience of any Protestant. But besides, let the *Laws* alone, and they will defend both themselves and us too: For if the *Law* says, That a Papist shall not, nor cannot have an Office, then he shall not nor cannot; For who can speak Louder than the *LAWS!*

As for a **Dispensing Power**, inherent in the King, which can set aside as many of the *Laws* of the Land as he pleases, and Suspend the Force and Obligation of them, (which has been lately held forth by many False and Unlawful Pamphlets) the Dissenters know very well that there is no such thing; but that no body may pretend Ignorance, I shall here prove, in very few words, That by the Established *Laws* of the Land, the King *cannot* have such a **Dispensing Power**; unless Dispensing with the *Laws*, and Executing the *Laws* be the same thing; and unless both keeping the *Laws* himself, and causing them to be kept by all others, be the *English* of Dispensing with them: For in the Statute of *Provisors*, 25th *Edw.* 3. *c.* 25. we have this laid down for *Law*, That the King is bound to Execute those Statutes which are Unrepealed, and to cause them to be kept as the *Law* of the Realm: the words are these, speaking of a Statute made in the time of *Edward* the First, *Which Statute holdeth always his Force, and was never Defeated or Annulled in any point, And by somuch our Soveraign Lord the King is bound by his Oath to do, the same to be kept as the Law of this Realm, although by Sufferance and Negligence it hath since been attempted to the contrary.* So that the *Coronation Oath*, and the **Dispensing Power**, are here by King *Edward* the Third, and his *Parliament*, Declared to be utterly Inconsistent. Now the *Coronation Oath* is a Fundamental *Law* of this Kingdom, for it is antecedent to the *Oath of Allegiance.* Accordingly if you look upon the *Coronation Oath* in the *Parliament* Rowl, 1st *Hen.* 4th, you shall there find, that in the third Branch of it, the King Grants

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and Promiſes upon his Oath, *That the Laws ſhall be Kept and Protected by him*, ſecundum Vires ſuas, *to the utmoſt of his Power*; and therefore he has no Power left him to Diſpenſe withal.

By which it appears, that thoſe men are the wretched Enemies both of the King and Kingdom, who would fain perſwade the King that he has this **Diſpenſing Power**; becauſe therein they endeavour to perſwade him, that **Perjury** is his Prerogative. Heretofore, in *Treſilian*'s time, ſome of the Oracles of the *Law* were conſulted, Whether it could ſtand with the *Law* of the Kingdom, that the King might Obviate and Withſtand the Ordinances concerning the King and the Kingdom, which were made in the laſt *Parliament*, by the Peers and Commons of the Realm, with the King's Aſſent, though (as the Courtiers ſaid) forced in that behalf? And they made Anſwer, That the King might Annul ſuch Ordinances, and Change them at his pleaſure, into a better faſhion, becauſe he was above the Laws, *Knyghton Col.* 2693. Now this was very Falſe *Law*, as thoſe Judges found afterwards to their Coſt; and it was grounded on the worſt Reaſon that could be: For they muſt needs know from all their Books, and from the *Mirror* in particular, *p.* 282. *That the firſt and Soveraign Abuſion of the Law* (that is, the chief Contrariety and Repugnancy to it) *is for the King to be above the Law, whereas he ought to be Subject to it, as is contained in his Oath.* Neither could they be ignorant of that Argument which the Peers uſed, to ſhew the Abſurdity of ſuch a ſuppoſition; it is Recorded in the Annals of *Burton*, ſet forth, as I take it, by Mr. *Obadiah Walker*. *Si Rex eſt ſupra Legem, tunc eſt extra Legem; Num Rex Angliæ eſt Exlex?* If the King be above the *Law*, then he is without the *Law*. What! is the King of *England* an Outlaw? And as for the words of *Bracton*, they were too plain either to need a Comment or Tranſlation, *Rex habet Superiorem Deum, item Legem per quam factus eſt Rex, item Curiam ſuam, ſcil. Comites & Barones*. As likewiſe thoſe other words of his, *Ubi Voluntas Imperat & non Lex, ibi non eſt Rex*: Where he makes it the very Eſſence of our King, to Govern according to *Law*. 11. R. 2.

Having therefore ſhewn, that the *Laws* are always in full Force till they are Revoked by the ſame Authority which made them, and that all Perſons whatſoever are bound to the *Laws*, and that the *Laws* themſelves were never in Bondage to any Man; we know from thence, what we are to conclude, concerning thoſe Papiſts, who pretend to be in *Office*, in Defiance to the *Laws*. We had once a miſchievous Diſtinction of Sheriffs *de Jure*, and Sheriffs *de Facto*; but thoſe, who pretend to be in Office without taking the *TEST*, are no Officers either in *Right* or in *Fact*: for the 25 *Car.* 2. ſays, That their Offices are *ipſo facto*, void, and then thoſe Officers are *ipſo facto*, no Officers, and can do us no more hurt than if they were under Ground; and therefore we need not trouble our Heads about them, though they may in all likelihood fall under the Care and Conſideration of a *Parliament*.

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After all, some persons may possibly be so far deluded, as to think there is somewhat of Equity in the Toleration of Papists, and that it is the Christian Rule *Of doing as we would be done by.* Now for any Papist to plead this Rule of Equity himself, or any body else in his behalf, is just as if a High-way-man should thus urge it upon his Judge; My Lord, if you Hang me, you break the Golden Rule; for I am sure you are not willing to be so served yourself, nor to Hang with me. Now the Equity of the Judge in this case does not lye, either in forbearing to punish the Offender, or in Hanging with him for Company, but in being Content to submit to the same Law, if he himself should commit the same Crime: And so are we willing to lye under all the Penal Laws, whenever we turn Papists. And therefore no body can tax us with want of Equity; because we do no otherways to the Papists, than we are willing to be done by, in the same case. But it may be said, that our Consciences does not serve us to be Papists, though theirs does. Neither does the Judge's Conscience serve him to Rob, though it seems the High-way-man's did; and therefore take heed of Corrupting of Conscience. Still it may be further Replied, That this is properly a Judicial Case, because Robbery is a breach of the Peace and of Property, and therefore ought to be punished: whereas the Worship and Service of God according to a Mans Conscience, though it be amiss, yet it ought not to be punished by *Humane Laws*, but is to be referred to the Judgment of God alone, who is Lord of Conscience.

Now this is the New Doctrine which I shall prove to be False, by positive and express Scripture. For *Job* says, *Chap.* 31. *v.* 28. That if his Heart had been secretly perswaded, and he had thereupon kissed his Hand to the Sun or Moon, *This were an iniquity to be punished by the Judge*, because he had therein Lyed against the God above. So that though a Mans Heart and Conscience lead him to Idolatry, yet *Job* tells us, this is Inditable; it is *avon telili*, a Judicial Crime, and as Punishable by Human Laws, as Adultery with another Mans Wife is; as you have it in the same Phrase in the 11th verse of the same Chapter.

The second Instance of a *Punishable Conscience* in the Service of God, is that which our Saviour gives us, 16 *John* 2. *Yea the time cometh, that whosoever killeth you, will think he doth God Service.* Now I would fain know whether such a Conscience as this ought not to be Restrained and Punished: And whether it be Sacrilledge for Human Laws to Controle Conscience, I mean such a one as Kills and Murders for *God's Sake?* And I ask again, whether there be no Consciences of this Stamp now in the World: and whether there has not been an Holy Inquisition, Religious Crusadoes, and Meritorious Massacres to extirpate Hereticks, and abundance of this *Divine Service* in the Church of *Rome?* Whether they have not offered up whole Hecatombs of these Sacrifices in most Countries? And whether a Neighbouring Prince has not been highly Excolled, and had all his most Christian Titles double Gilt, with the Flatteries of his Clergy, for the late Merit of his Religious Service in this kind? And therefore if men will do things in order, let them first send for a breed of Irish Wolves, and give them English Liberties; let them dig down their Walls, and let in the Sea; let them begin with some of these Preliminaries, before they think of Repealing the Laws against Popery, and of letting loose such Consciences as these upon us.

To conclude therefore, It highly concerns you, in the Choice of Parliament-men, to decline all those men, who are willing to Consent to so Great and so Fatal a Revolution, as the Repeal of so many Laws at once; which would plainly expose the Protestant Religion to be Swallowed up. You want men like their Ancestors, who had the Courage and Resolution to declare in Parliament, *Nolumus Leges Angliæ mutari*; We will not have the Laws of *England* Altered. Chuse such as will not betray the Great Trust you repose in them. The Writ for Elections says, That you Impower your Representatives; Tell them therefore for what you Impower them; for the Maintenance and Preservation of the Protestant Religion, and of our good Laws, and not for their Destruction. And when you have done this, and taken all the care you can, you have done your Duties: And I have nothing more to add, but, *God Speed your Elections.*

FINIS.